

WASHINGTON'S DECISION.

How the General Settled a Point of Military Law.

By EVAN C. MATHEWS.
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"Where are you going, daughter?"
"I am going to skate down the river toward West Point to meet Jimmie."
This bit of dialogue occurred in a house located but a few hundred yards from Washington's headquarters at Newburg.

Colonel Cogswell hastened to headquarters, where he joined the general, who was busy over reports of assistants authorized to collect commissary and quartermaster's stores. Katherine, leaving the high ground, descended to the river bank, where she put on her skates, then, with her hands in her muff, skated gracefully southward.

Meanwhile James Muldrough, lieutenant in the Continental artillery, stationed at West Point, having been de-



DRAGS THE GIRL OUT OF THE WATER.

layed by some details pertaining to his duties, started to meet his sweetheart. He had barely reached the village of Cornwall when he saw far in the distance a dim figure which the quick eye of love told him was Katherine. There was but one other person visible to him on the ice, and that was a man who had just started from the west bank and was pursuing a course directly across the river.

Then Muldrough saw something that filled him with horror. The girl's figure, while he looked at it, suddenly disappeared. There was no obstacle between him and her, and he knew that she had skated into a dreaded air hole. Too far from her to assist her, it seemed impossible that she should escape death unless it might be that she could get her hands on firm ice. There was scarcely a ray of hope.

But hold! The man crossing the river sees the accident. He is but a short distance from the point where she has fallen. He changes his direction and skates rapidly over the 500 yards that separate them. He lies flat on the ice, drags the girl out of the water and endeavors to stand her on her feet. Presently he succeeds, and the two hand in hand, skate northward, at first very slowly, then gradually increasing their pace.

The lieutenant understood all this. Katherine's clothing was soaked with ice water, and the only hope for her was to keep the blood moving through her veins by as violent exercise as she could stand. He was skating with all his strength, but they had preceded him by too long a start for him to overtake them. He called to them, but they did not hear him. He was not far behind them when, taking off their skates, they left the river and started up the incline toward Katherine's home. Following them, he entered the house just as the man who had performed the rescue was leaving it.

The two men stopped short, each looking at each other.

"Captain Abernathy!" exclaimed Muldrough.

"Lieutenant Muldrough, at your service," replied the other.

Captain Abernathy of his majesty's cavalry had been captured in the Ramapo valley a month before and had been confined as a prisoner of war at West Point. Lieutenant Muldrough had been in charge of the prisoners at the post, had befriended Abernathy, and the two, though on opposite sides of the struggle, had formed a warm friendship. Muldrough was astonished to see the British captain under the present circumstances, for he had supposed him to be in the military prison.

"How did you come here?" asked

Muldrough.
"Found an opportunity for escape, and had I not turned aside to assist a lady?"

"And save a life," interrupted Muldrough.

"I would have by this afternoon been on board a man-of-war bearing the cross of St. George on her banner. In other words, I would no longer be a prisoner of war."

"Come in. My first business is to ascertain the condition of Miss Cogswell. I shall not forget that you have saved her life." A shadow passed over Muldrough's face as he remembered that it would be his duty to return to prison the man who but for saving that life—a life dearer than all the world to him—would have regained his freedom.

The two entered the house, where Muldrough asked anxiously after Katherine's condition, to learn that she was receiving proper attention.

Meanwhile Colonel Cogswell had learned of the accident and come hastening into the house. Having been informed that everything that could be done for his daughter was being done, he turned to the two men.

"Is it to you, sir," he asked Captain Abernathy, "that I owe my daughter's life?"

"It is, colonel," Muldrough said.

"Without this gentleman's assistance our Katherine would now be in the river under the ice."

"And pray, sir," asked the colonel, "to whom am I indebted for this invaluable service?"

Captain Abernathy and Lieutenant Muldrough looked at each other. Then Abernathy said:

"I will not trouble Lieutenant Muldrough to tell you that. I am Captain George Abernathy of his majesty's service and a prisoner of war. This morning before daylight I found a loophole for escape, the sentry stationed at my door being dead tired and asleep. I walked out unobserved and under cover of the darkness skirted the river north of Fort Clinton. Traversing the pass through the mountains, I stopped after daylight at a house where I found a friendly Tory, who gave me breakfast and these citizen's clothes. I was crossing the river with a view to going down on the other side to board one of our men-of-war below when I saw your daughter in peril. You know the rest."

While this brief explanation of how matters had come about was being given Colonel Cogswell's brow was darkening. He saw that the man to whom he was infinitely indebted, whom he would like to load with favors, must be sent back under guard to prison. Then, too, he remembered that the Continental army had suffered greatly from the work of spies, and recently orders had been issued that wherever such were found they should be tried by drumhead court martial and hanged. Captain Abernathy having changed his uniform for citizen's clothing brought him, according to the military code, under the letter of the law as a spy.

"Your service to me, sir, and to Lieutenant Muldrough," he said, "puts me under an obligation that is incalculable, but your kindly act has placed us in a painful position. Why, may I ask, did you not retain your uniform?"

"I could not have hoped to pass through territory in the hands of your troops in my dress as a British officer."

"Yet in assuming the dress of a civilian you risked a felon's death."

"I took my chances and lost."

(Continued on last page.)

Summons.

In the District Court of the Fifth Judicial District of the State of Utah. In and for the County of Iron.

Anna M. Sawtell, Plaintiff.

vs. William Cantelero Sawtell, Defendant.

The State of Utah to the said defendant.

You are hereby summoned to appear within twenty days after service of this summons upon you if served within the county in which this action is brought. Otherwise, within sixty days after service and defend the above entitled action, and in case of your failure so to do judgment will be rendered against you according to the demand of the complaint, which has been filed with the clerk of said court.

ANNA M. SAWTELL, Parowan, Utah.

(First April 8—Last May 6)

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Forfeiture Notice.

Modena, Utah, January 26, 1910.
To A. Root, T. E. Johnson, W. D. Williams and D. B. Baker:

You and each of you are hereby notified that I have expended during the years 1904, 1905, 1906, 1907, 1908, and 1909, Six Hundred (\$600) Dollars, in labor and improvements, the same being One Hundred (\$100) Dollars for each and every year herein named, upon the Slide Winder No. 2 mining claim, situated in Stateline Mining District, County of Iron, State of Utah, the location certificate of which is found of record in Book "C" of mining locations, page 105, in the office of the recorder of said Iron County. In order to hold said claim under the provisions of Sec. 2321 of the Revised Statutes of the United States, and the amendment thereto approved January 22nd, 1880, concerning annual labor upon mining claims, being the amount required to hold said lode for the period ending on the 31st day of December, A. D. 1909. And if, at any time within ninety days of the publication thereof, you fail or refuse to contribute your proportion of such expenditure as co-owners, which amounts to One Hundred Twenty (\$120) Dollars each, your interest in the claim will become the property of the subscriber, your co-owner, who has made the required expenditure for the terms of said section.

C. E. PHAK.

First Feb. 4—Last April 29.

Notice.

Notice is hereby given, that the undersigned judge of the 5th Judicial District in and for Iron County, State of Utah, having made the final entry in the United States Land Office in trust for the inhabitants of Modena, Iron County, State of Utah, for entry of the following described land to-wit: NW 1/4 of SE 1/4 and E 1/2 of SW 1/4 sec. 36, T. 34 N., R. 19 W.

All persons claiming any part or parcel of the above described land may within six months after the first publication of this notice in person or by agent or attorney, sign a statement in writing containing an accurate description of the particular lot or parcel of land which he or she claims to have an interest in and the specific right, interest or estate which he or she claims to be entitled to receive. Said statement shall be delivered to the Clerk of the District Court of Iron County, State of Utah, and further proceedings will be had thereon as required by law.

In Witness Whereof I have hereunto affixed my official seal this 17th day of February, A. D. 1910.

JOSHUA GREENWOOD, Judge 5th Judicial District Court, State of Utah.

First Mar. 4—Last May 27



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